

**Rep. Judy Chu Testimony**  
**House Armed Services Committee**  
**Hearing on the National Defense Authorization Act**  
**Room 2118, Rayburn House Office Building**  
**4/17/2012**

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Good Morning. Before I begin I ask unanimous consent to submit an extension of my remarks into the record for this hearing. I was thrilled to hear the Small Business Committee and the House Armed Services Committee are working together to include the Building Better Business Partnerships Act, a bipartisan bill Rep. Robert Schilling and I introduced, as a provision in this year's National Defense Authorization Act (NDAA). I strongly support its inclusion.

But my primary reason for being here is to discuss how the Armed Services Committee, through this year's National Defense Authorization bill, can help prevent military hazing.

This month marks the year anniversary of my nephew Harry Lew's death. It was on April 3<sup>rd</sup>, 2011, in response to hours of physical abuse and torture at the hands of his peers, Harry took his own life.

At the time, I didn't know how common his tragedy was - how many other service members had suffered as he did. But the letters started pouring in - day after day, week after week. Mothers, friends and service members themselves wrote in excruciating detail what they and their loved ones endured. I knew I had to act.

And so I came to both of you, Chairman McKeon and Ranking Member Smith, and told you Harry's story. I asked for your support to prevent another young man or woman from having to suffer like Harry did. And your steadfast commitment to ensuring hazing has no place in our military was immediately clear. You helped me monitor Harry's case, you met with the top officials in the Marines on my behalf, and last month you held the first hearing on military abuse since 1979. In fact, it might have been the first official hearing on hazing in every branch the services in Congressional history. So thank you so much for everything you have done.

At the March hearing, I heard each branch say that they have hazing under control. That their policies are working. But if that were true, then why is Harry dead? Why did Danny Chen end his life rather than turn to his superiors? Why did Brushaun Anderson's abusers continue their military careers and get promoted? And why I have received so many letters and calls, from as far away as Germany, asking me to stand up against hazing?

I am here today, to ask your help again. Because it is abundantly clear - we have so much more work to do. At the hearing, I was shocked to learn that some services don't even have a policy expressly prohibiting hazing. Others don't offer anti-hazing training. Most of the services do not track the number of hazing incidents. And those that have a tracking system do not analyze or use the data to improve their practices.

So I ask – how can the military claim they are doing everything perfectly if they don't even have anti-hazing policies or training? How can they know they are doing everything perfectly if they don't even know how many people are hazed?

They can't. That's why I believe the National Defense Authorization Act should include language to help eradicate hazing in the Armed Services and ensure the military is held accountable for protecting all service members from hazing and harassment.

**First – We should make hazing a crime in the Uniform Code of Military Justice (UCMJ).**

This would provide a strong disincentive against hazing and would be an important tool that could be used to prosecute perpetrators of hazing. Currently 44 states have anti-hazing laws and 31 states define hazing as a crime in their criminal codes. Even the military believes it should follow suit. In the March hearing both the representatives from the Marine Corps and the Army expressed interest in creating a statutory definition of hazing in the UCMJ. This would make it easier for them to track the number of hazing incidents.

**Second – We should institute a National Hazing Database that Tracks Incidents of Hazing.**

With the lives and wellbeing of countless service men and women on the line, we must better understand the pervasiveness of hazing and harassment in the military. By creating a database of hazing incidents, similar to the database for sexual assault, the military, Congress and the public would be able to improve the military's hazing practices and ensure better oversight of the military's anti-hazing efforts. I believe this database should be comprehensive and include the number of hazing allegations, the number of substantiated cases of hazing and the penalties imposed on the perpetrators, including Non-Judicial Punishment and Courts Martial. The military should then use this data to provide an annual report to Congress with their analyses of the data and the military's progress in responding to hazing.

**Third – We need an objective GAO study on Hazing.** Every branch of the Armed Services has different policies, training and procedures regarding hazing and harassment. We need a more thorough understanding and objective analysis of the prevalence of hazing in the military, the policies in place to prevent it, the effectiveness of the training in place, and the penalties imposed on the perpetrators of hazing.

Hazing has no place in our military. It undermines our military readiness and deeply scars those volunteers forced to endure it. So thank you for all you have done so far. And I look forward to continuing to work with you to ensure the military truly has a zero-tolerance hazing policy at every level, from the Pentagon to the smallest COB on the most remote base in Afghanistan.